

City of Corunna  
Regular Council Meeting  
Monday, July 21, 2003

Present: Corey, Jessen, Johnson, Mehigh, Runyan, Sanderson, Wagner.

Absent: None.

Guests: Joe Sawyer, City Manager; Jackie Leone, The Argus Press; Merilee Lawson, City Assessor/Planner; Tim Crawford, Superintendent of Public Works; Sue Livingston; Judy Horton; Keith & Diane Johnson; Janet Washburn, Parks and Recreation Director; Shirley Sanderson; Helen Granger, The Independent; Gary Granger; Bernie & Pat Yott; Gary Arnold & Kevin Fueka, Capital Consultants; and other concerned citizens.

The meeting was called to order in the City Council Chambers by Mayor Corey at 7:00 p.m.

MINUTES OF THE PREVIOUS REGULAR MEETING: Johnson moved, Sanderson seconded to approve the regular meeting minutes dated June 16, 2003 as presented.

Roll call vote:

Yes: Wagner, Johnson, Sanderson, Runyan, Jessen, Mehigh.

No: None.

Motion CARRIED

MINUTES OF THE PREVIOUS SPECIAL MEETING: Wagner moved, Johnson seconded to approve the special meeting minutes dated July 14, 2003 as presented.

Roll call vote:

Yes: Sanderson, Mehigh, Johnson, Jessen, Wagner, Runyan.

No: None.

Motion CARRIED

AGENDA APPROVAL: Runyan moved, Mehigh seconded to approve the agenda as presented with the addition of Item No. 11) Discussion on Cross Border Sewer Issues, Item No. 12) Consider Shiawassee Council on Aging Refund, and Item No. 13) Discussion of General Procedures Regarding Non-Profit Rentals.

Roll call vote:

Yes: Jessen, Runyan, Mehigh, Wagner, Johnson, Sanderson.

No: None.

Motion CARRIED

APPROVAL OF VENDOR DISBURSEMENTS: Johnson moved, Wagner seconded to approve the vendor disbursements as presented.

Roll call vote:

Yes: Runyan, Wagner, Jessen, Sanderson, Mehigh, Johnson.

No: None.

Motion CARRIED

CALL TO AUDIENCE: Keith Johnson stated he wanted to give kudos to Tim Crawford and his crew for keeping the town looking good by cleaning the streets, curb and gutters and trimming the trees. Mr. Crawford has done a good job and if someone looks around town, there are different people going in different directions and that has not always happened in the past. Mr. Johnson further stated Lett Jenks' niece, Della Tomlinson, is quite an artist and she wanted to do something on behalf of Lett Jenks so she painted an oil painting of the Parshall Mill that was located next to the dam. He also stated he was asked by Ms. Tomlinson to present her painting of the mill to the city. Mayor Corey stated he needed to get her address information in order to thank her appropriately.

Sue Livingston, Mill Street, stated she is having a problem with one of her neighbors. Her family has taken care of the property behind her house for 22 years that has been gifted to the city, but the neighbors are tearing up the property with their go-carts. She further stated her family paid \$1.00 per year to lease the property from the previous owner and would like to get another lease from the city. She also stated she advised Mr. Sawyer that she has worked out an agreement with her neighbors because they were hassling her family. The neighbors have agreed to lease the front half of the property and her family will lease the back half of the property, but she would like something in writing because she does not want to be held responsible if one of the neighbor's boys gets hurt. Ms. Livingston asked how she could get a lease to the property from the city that states the back half of the property is their responsibility and the front half of the property is the neighbor's responsibility. Mayor Corey advised he did not feel the city council was prepared to answer that legal question, but he would talk to the city manager about consulting the city attorney about what to do with this issue. Mr. Sawyer stated he got a message from Dennis Livingston that an agreement between the neighbors has been worked out. Ms. Livingston advised the vacant property is located between 509 and 519 N. Shiawassee Street. Mr. Sawyer advised the property extends from Shiawassee Street back to the river. Ms. Livingston advised the property is a double lot but is not wide enough to build on. She further advised her family wanted to buy the property from Stuart Patterson but was informed his son wanted the property so they backed off, but then she found out from Marty Tait that the property was given to the city. Mr. Tait and his son have decided that since the city owns the property they can tear up the property and do whatever they want to do to the property. Mr. Sawyer advised the property is a buildable lot. Ms. Livingston advised she was told the property was one foot too narrow to build anything on. Mayor Corey advised the city council would not be able to give Ms. Livingston an answer. Mr. Sawyer advised he was looking at getting a little guidance from the city council on what direction to go. Ms. Livingston advised Mr. Tait feels he can do anything he wants to the property since he knows Mr. Sawyer and is best buddies with the city council. Councilperson Johnson asked if any police reports have been written. Ms. Livingston advised she has not contacted the police department because she does not want anybody to hassle her neighbors because they already have four holes in her trailer from the neighbor's son. Her neighbors are destructive people and she did not want any retaliation. Councilperson Mehig asked Sgt. Clark if it is illegal to run go-carts. Sgt. Clark advised it is up to the owner of private property.

Mayor Corey stated since this property belongs to the city and the city has now been put on notice that this kind of activity is going there, some type of appropriate action needs to be taken to make sure that the city is not consenting to allow this type of behavior to continue no matter who it is. Mr. Sawyer advised this property was also part of the right-of-way acquisition on North Shiawassee Street and Mr. Patterson came forward and gifted the entire lot to the city instead of taking money for the right-of-way. Mr. Sawyer further advised there are no deed restrictions, but he did not think it was appropriate for the city to sell the lot that was gifted to the city at this time. He also advised council could choose to sell the property, lease the property, split the property into two parcels or fence the lot and keep everybody off the property. Mr. Sawyer stated he felt the city could protect itself from liability with a lease. Councilperson Mehigh stated he had a problem with the go-carts since the property belongs to the city. Councilperson Jessen asked if the city's liability would cease with a lease. Mr. Sawyer advised yes. Mayor Corey stated the city should be careful about choosing one neighbor over the other on who the city is going to lease the property to. Councilperson Sanderson asked if the kids who are riding the go-carts live adjacent to the property. Ms. Livingston advised the kids live two houses down and they have to ride the go-carts on the city sidewalk or go across somebody else's yard to get to the property. Merilee Lawson advised she spoke to Chief Hetfield about the go-carts and was informed the city does not have a policy that states go-carts cannot be used on the property. Chief Hetfield does have a concern about noise levels created by the go-carts and the liability issue. Ms. Lawson further advised she had a real problem with the go-cart issue because it does not conform to the use of a lot within the city. Councilperson Runyan stated if the city is going to go the lease route, then he would want to see a short-term lease and suggested a year-by-year lease in case something should happen. Mayor Corey stated he was thinking about the immediate liability to the city and suggested that council action might be needed to have everyone remove their materials from the property until the city decides what it wants to do with the property. Councilperson Mehigh stated he would like to see this item added to the agenda due to the liability problem and to cease all activity on the property until the city decides what it wants to do with the property. Councilperson Sanderson stated when one of the go-carts goes over the sidewalk on Shiawassee Street and gets hit by a car, the city will be in big trouble and suggested putting a stop to the activity as soon as possible. Ms. Livingston advised she did not have a problem with removing her trailer off of the city property. Mr. Sawyer stated the city should resolve this issue by the next meeting and advised there is a fence encroachment on this property that the city has to deal with as well. Councilperson Runyan asked if the city council could direct Mr. Sawyer to get the liability issue settled before the next council meeting. Mayor Corey advised if there is going to be a motion, the item should be added to the agenda. Mr. Sawyer stated the city ordinance relating to go-carts is not real clear and in order to make any kind of ordinance, a public hearing is required. Council is free to tell everybody to stay off its property, but posting no trespassing signage on city owned property is problematic as well. He further stated the best way to go is to figure out some way to lease the property to the contiguous property owners in exchange for maintaining the property with the city's ability to terminate the agreement with no notice. Mayor Corey asked why the contiguous property owners should have the superior right to lease the property for \$1.00 than anybody else in the city. Mr. Sawyer stated that is why he was looking for a little guidance from the city

council. Ms. Lawson advised she would like to see the city lot used in conjunction with what city lots are supposed to be used for. She further advised this issue could be resolved rather quickly if she and Mr. Sawyer were to contact Dick Burlingame to ask him about the liability issue. If the lease agreement does not release the city from all liability issues, then the city does not want a lease agreement because the city cannot afford the liability of something happening on that lot. Mayor Corey advised Mr. Sawyer has the responsibility to run the city without a motion and has the ability to contact Mr. Burlingame and make whatever decisions and enforcements that are appropriate.

Helen Granger advised the Sons and Daughters Unit of the Civil War had a wonderful time on the Fourth of July in McCurdy Park and she wanted to thank the city for making the day an enjoyable time.

SET PUBLIC HEARING FOR AUGUST 4, 2003 AT 7:15 P.M. TO CONSIDER AN APPLICATION FOR USE OF THE ECONOMIC DEVELOPMENT FUND BY THE CITY OF CORUNNA FOR DESIGN ENGINEERING AND SITE PLAN DEVELOPMENT FOR INDUSTRIAL DEVELOPMENT:

Mehigh moved, Johnson seconded to set a public hearing for August 4, 2003 at 7:15 p.m. to consider use of Economic Development Funds for Design Engineering and Site Plan Development for industrial zoned lands in the City of Corunna.

Roll call vote:

Yes: Mehigh, Jessen, Runyan, Johnson, Sanderson, Wagner.

No: None.

Motion CARRIED

CONSIDER EASEMENT WITH MARLENE SPENCER FOR A SANITARY SEWER CONNECTION TO 106 N. DUTCHER STREET:

Wagner moved, Johnson seconded to approve the easement for a sanitary sewer connection with Marlene M. Spencer as proposed:

Roll call vote:

Yes: Johnson, Sanderson, Wagner, Mehigh, Runyan, Jessen.

No: None.

Motion CARRIED

CONSIDER RESOLUTION #07-21-03-01 APPROVING A CONTRACT WITH MDOT FOR THE SHIAWASSEE STREET BRIDGE CONSTRUCTION:

Wagner moved, Johnson seconded to approve the MDOT contract # 03-5310 the Shiawassee Street Bridge Construction and authorize the Mayor to execute the contract.

Roll call vote:

Yes: Wagner, Johnson, Sanderson, Runyan, Jessen, Mehigh.

No: None.

Motion CARRIED

CONSIDER EASEMENT WITH JOSEPH MARSIK FOR A DRIVEWAY EASEMENT TO PROPERTY LOCATED ALONG NORTH DUTCHER STREET:

Mehigh moved, Sanderson seconded to approve the driveway easement with Joseph Marsik as proposed.

Ms. Lawson advised she would like permission from council to add a third paragraph to the easement stating where the clear vision area has to be because there is a lot of brush along the drain and an apple tree that is on the city road right-of-way. The property owner will not have clear vision and a driveway should not be drafted without adhering to this. Mayor Corey stated he has some questions about the legality of the easement. He asked if this issue had to be settled tonight. Ms. Lawson advised no, but Mr. Marsik is unable to sell parcel C because he needs an easement for parcel B. Councilperson Mehig advised he would amend his motion to read “to approve the driveway easement with Joseph Marsik as proposed and to allow a third paragraph to specify clear vision and construction standards” and Councilperson Sanderson seconded the amended motion.

Roll call vote:

Yes: Jessen, Runyan, Mehig, Wagner, Johnson, Sanderson.

No: None.

Motion CARRIED

CONSIDER APPOINTMENT OF ROBERT HOSCHNER TO THE CORUNNA DOWNTOWN

DEVELOPMENT AUTHORITY: Runyan moved, Wagner seconded to appoint Robert Hoschner to the Corunna Downtown Development Authority to serve at the pleasure of the council for a term to begin upon the taking of the oath of office and continuing until December 31, 2005 or until a successor is appointed.

Roll call vote:

Yes: Runyan, Wagner, Jessen, Sanderson, Mehig, Johnson.

No: None.

Motion CARRIED

CONSIDER CONSTRUCTION ENGINEERING CONTRACT WITH CAPITAL

CONSULTANTS FOR THE SHIAWASSEE STREET BRIDGE: Gary Arnold from Capital Consultants explained the water main construction would begin in September or October and the bridge demolition would begin on January 1. He further explained everything should be finished by mid-August 2004. Councilperson Sanderson asked if there were any union contracts that might go on strike during the project and if there was some way this could be checked out. Mr. Arnold advised he does not know how anyone could check. Councilperson Runyan asked if there is a penalty if the completion date is exceeded. Mr. Arnold advised yes, but any money would go to MDOT. Johnson moved, Sanderson seconded to approve the Shiawassee Street Bridge Construction Engineering Contract with Capital Consultants in the estimated amount of \$148,500.

Roll call vote:

Yes: Sanderson, Mehig, Johnson, Jessen, Wagner, Runyan.

No: None.

Motion CARRIED

CONSIDER CONTRACT WITH CAPITAL CONSULTANTS FOR PHASE II OF THE

CORUNNA SEWER SYSTEM EVALUATION SURVEY: Mr. Sawyer advised Capital Consultants has worked very well with the city on the sanitary sewer evaluation and the work to be done on Phase II is what the city has recommended to Capital Consultants. Mehig moved, Sanderson seconded to approve the Phase II Sewer System Evaluation

Survey Contract with Capital Consultants in the estimated amount of \$217,500. Councilperson Sanderson asked if this project would use up the city's sewer fund. Mr. Sawyer advised this project would break the bank until the next fiscal year. Mayor Corey suggested checking into using Economic Development Funds since this is something that will benefit the entire city.

Roll call vote:

Yes: Mehigh, Jessen, Runyan, Johnson, Sanderson, Wagner.

No: None.

Motion CARRIED

**CONSIDER DISCHARGE OF VICKI BONASSI FROM THE CORUNNA FOURTH OF**

**JULY COMMISSION**: Wagner moved, Johnson seconded to discharge Vicki Bonassi from the Corunna Fourth of July Commission effective immediately.

Roll call vote:

Yes: Johnson, Sanderson, Wagner, Mehigh, Runyan, Jessen.

No: None.

Motion CARRIED

**CONSIDER LAND ACQUISITION RESOLUTION**: Mr. Sawyer advised the property is going to the state tax auction and the city has the ability to acquire the property for \$300.00. The property is a buildable lot and the city has been mowing the lot for years. Runyan moved, Mehigh seconded to approve the following land acquisition resolution as proposed and payment of \$300.00:

**CITY OF CORUNNA  
LAND ACQUISITION RESOLUTION**

**WHEREAS**, Act 451, P.A. 1994, as amended, provides for the conveyance of State-owned tax-reverted lands to municipal units for public purposes, and

**WHEREAS**, such lands are under the jurisdiction of the State of Michigan, Department of Natural Resources and are available for acquisition under the provisions of the above mentioned act and legally described as CARY'S ADDITION-CITY OF CORUNNA E ½ OF LOT 4. BLK 13, and

**WHEREAS**, The City of Corunna desires to acquire such lands for purposes of the Economic Development.

**NOW THEREFORE BE IT RESOLVED** that the City of Corunna is authorized to make application to the State of Michigan, Department of Natural Resources, Office of Property Management Division for conveyance of said land to the City of Corunna for a nominal fee as set by the Natural Resources Commission, and

**FURTHER BE IT RESOLVED** that the City of Corunna shall set up necessary procedures and controls to provide for the proper distribution for funds arising from the subsequent sale of the acquired property in conformity with the above mentioned acts.

Roll call vote:

Yes: Wagner, Johnson, Sanderson, Runyan, Jessen, Mehigh.

No: None.

Motion CARRIED

CONSIDER COMPUTER PURCHASES: Mr. Sawyer advised Dell Computer had a problem with their computer program and kept sending computers to the city so the city has a bunch of computers that the city did not order. Dell Computer was contacted to find out how to send the computers back and Dell Computer has offered the city an additional discount on the extra computers, which he thought he would bring to council before the computers were sent back. Councilperson Runyan asked what the cost of the laptop computer would be. Mr. Sawyer advised the original cost was \$2,170 and the discounted price would be \$1,870. Councilperson Mehigh stated the city does have a tight budget but he did not think the city would get a laptop computer any cheaper with the features the laptop computer has. He further stated the city council should look hard at purchasing the laptop computer. Councilperson Runyan stated Mr. Sawyer would use the laptop computer every day with all of the meetings he goes to and he could download his information into the city hall system. Councilperson Runyan further stated he thought the laptop computer would be a great asset to the city manager and to the city council. Mr. Sawyer stated he recognizes the city has a tight budget, but the laptop computer would be an invaluable tool, but he could live without one. He further stated he would consider splitting the cost of the laptop computer with the city. Mayor Corey asked if the city has the funds to purchase the laptop computer. Mr. Sawyer advised between the council contingency reserves and other line items, there would be no question that the laptop computer could fit into the budget. Councilperson Mehigh stated he heard Mr. Sawyer mention that he would be willing to split the cost of the laptop computer with the city. Mr. Sawyer advised he has a home computer that is dying on him and splitting the cost of the laptop computer with the city would save him from having to buy a desktop computer for home. Mehigh moved, Runyan seconded to send everything back except one laptop computer and the bubble jet printer and split the cost of the laptop computer with the city manager in the amount of \$1,870 and the bubble jet printer in the approximate amount of \$188. Mr. Sawyer advised he would like to suggest that the city council buy the desktop computer to keep on the shelf because one of the computers will fail within the year. The city has three computers that are three and one-half years old that will need to be replaced within the next year.

Roll call vote:

Yes: Jessen, Runyan, Mehigh, Wagner, Johnson, Sanderson.

No: None.

Motion CARRIED

DISCUSSION ON CROSS BORDER SEWER ISSUES: Mr. Sawyer stated he does not feel there is a need to push for theoretical answers because the city is still gathering information. The problem area is gathering the information necessary for Finkbeiner, Pettis, & Strout to do their analysis. Mayor Corey asked Mr. Sawyer if he has made a formal request for information. Mr. Sawyer advised the city has two years worth of requests that have gone unanswered with Caledonia Charter Township and he was tired

of wasting his breath. Mayor Corey suggested that council offer a motion to make one request for everything that Mr. Sawyer needs and to follow-up with a Freedom of Information Act request if Mr. Sawyer does not get the information in a reasonable time. Mr. Sawyer stated he needed help in getting the information. Mayor Corey advised he would be happy to write Caledonia Charter Township a letter. He further advised the city needs to get the information to the people the city is paying to do an evaluation. Mayor Corey suggested making a general motion instructing him to write a letter on behalf of the city and council to get the information needed. He further suggested asking for the specific information the city needs for its evaluation and the city council should take appropriate steps to do that. Councilperson Mehig advised the letter should be sent to the township clerk since she is the record keeper for the township. Mayor Corey advised a letter should be addressed to the township clerk and township supervisor. Mr. Sawyer recommended sending a letter to each individual instead of a joint letter. Mayor Corey stated the letter should be sent to the township clerk since she maintains the records. Councilperson Runyan stated he would hate to see anything happen to disrupt the fire negotiations. Wagner moved, Mehig seconded to authorize the mayor to address a letter requesting specific information necessary for the city's engineers to the Caledonia Charter Township Clerk on behalf of the city council.

Roll call vote:

Yes: Wagner, Jessen, Sanderson, Mehig, Johnson.

No: Runyan.

Motion CARRIED

CONSIDER SHIAWASSEE COUNCIL ON AGING REFUND: Wagner moved, Johnson seconded to refund the \$100 deposit to the Shiawassee Council on Aging. Councilperson Sanderson stated the park rentals are becoming as much a problem as the fire and ambulance agreement and a line has to be drawn somewhere.

Roll call vote:

Yes: Mehig, Jessen, Runyan, Johnson, Sanderson, Wagner.

No: None.

Motion CARRIED

DISCUSSION OF GENERAL PROCEDURES REGARDING NON-PROFIT RENTALS:

Mehig moved, Wagner seconded to turn over the decision making for the administration of the city's rental policies to the city manager. Mr. Sawyer advised he was not certain the proposed motion would accomplish anything because council has established and adopted rental fees for non-profit organizations. If council turns over the decision making to him, he will charge the non-profit organizations, and if the organizations want the fee waived, he will tell them they have to go before the city council. He further advised council could set a policy that rental fees for non-profit organizations will not be waived or the policy could be changed to eliminate the non-profit rental fee altogether. Councilperson Mehig stated there was discussion before that there should be no refunds of any sort for weekend rentals, but weekday rentals could be looked at by the Parks and Recreation Director or Mr. Sawyer. Councilperson Runyan stated the non-profit rental fees could be changed to 50 percent or even 25 percent of the regular rental fee. Mayor Corey suggested charging non-profit organizations 50 percent of rental fee and waiving



the rental fee during the week. Mr. Sawyer advised a policy could be written that states the rental fees will be waived for non-profit organizations on weekdays. Mayor Corey suggested giving non-profit organizations a reduced rate on weekends. Mr. Sawyer advised a lot of the rental requests come in for weekdays. Councilperson Mehig stated he wanted to withdraw his motion and Councilperson Wagner withdrew his second. Councilperson Sanderson suggested setting a flat fee of \$50.00 for non-profit organizations for weekends and weekdays. Councilperson Johnson stated she was in favor of not waiving any rental fees. Councilperson Jessen agreed. Mayor Corey stated if the organizations come to council, council can tell them no. Councilperson Mehig stated the city council needs to come up with a fee schedule for non-profit organizations or Ms. Washburn needs to work with the parks and recreation commission in order to come up some type of recommendation to bring to the city council.

**ROUNDTABLE DISCUSSION:** Councilperson Sanderson advised the church on Lyman Street is putting up a fence close to the street and is also putting up a sign. He asked what the name of the company was that was putting their equipment in the city sewers. Mr. Sawyer advised the road commission has a contract with the state to clean storm sewers.

Councilperson Wagner stated the streets have been swept and he was pretty impressed with the way the streets were done.

Councilperson Runyan stated he would make sure the Shiawassee Area Transportation Agency's minutes are sent out before the next meeting.

Councilperson Mehig advised the first fire negotiation meeting with Caledonia Charter Township went well. The township official attitudes were fairly good, and if the attitudes remain the same, he felt the negotiations could be wrapped up in three or four meetings. He further advised the double yellow line needs to be repainted where Comstock Street meets King Street. He has had people ask him if the city could repaint the line again because people do not realize which side of the road to stay on when they go around the curve.

Mayor Corey advised there are seven Mondays before the city election and if someone is interested in running for council, the petitions need to be in by September 22. He further advised the Christmas party is scheduled for Friday, December 19 at the ZCBJ Hall. He also advised the river clean up below the dam has been scheduled for August 2 from 8 a.m. to 12 p.m. Mayor Corey stated the library parade is on August 23 and Mr. Sawyer is the Grand Marshall. Mayor Corey further stated there has been discussion about garbage truck weights and council was going to look at the city's ordinance or fee schedule to see if the city could limit this weight. He asked if this issue was on the back burner as far as putting weight restrictions on garbage trucks. Councilperson Mehig stated he thought the issue was put on the back burner until the garbage companies come forward with prices. The city would then decide on what programs it would like. Councilperson Wagner advised the fee schedule should be adjusted before next season. Mayor Corey stated this was an item that should be looked at in the fall.

ADJOURN: Mehigh moved, Johnson seconded to adjourn.

Roll call vote:

Yes: Runyan, Mehigh, Wagner, Johnson, Sanderson.

No: Jessen.

Motion CARRIED Time was 9:29 p.m.

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STEVE COREY, MAYOR

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YVONNE F. LONG, CITY CLERK